

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APP 2134
SR

Applicant: Baber Amin et al.

Title: COMPUTER NETWORK HAVING A SECURITY LAYER INTERFACE INDEPENDENT OF THE APPLICATION TRANSPORT MECHANISM

Docket No.: 1565.023US1

Filed: July 20, 2000

Examiner: Andrew L. Nalven



Serial No.: 09/620,176

Due Date: September 26, 2007

Group Art Unit: 2134

MS Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

☒ Appellants' Reply Brief Under 37 C.F.R. 41.41 (4 pgs.).

☒ Return postcard.

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

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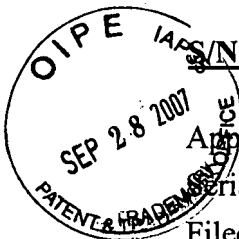
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A handwritten signature in cursive script, appearing to read "Joseph P. Mehrle".

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 26 day of September, 2007.

Peter Rebuffoni
Name

Peter Rebuffoni
Signature



App. No. 09/620,176

PATENT

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Appellants:	Baber Amin et al.	Examiner:	Andrew Nalven
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APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. § 41.41

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In response to the Examiner's Answer mailed July 26, 2007, please see the remarks
below:

REMARKS

The Examiner asserts that the security non-extensible client of Tumblin is “security unaware.” Applicant continues to disagree with this interpretation of Tumblin’s teachings.

No where does Tumblin suggest that the security non-extensible client is security unaware. The term “non-extensible” does not equal “unaware.” In support of this, the Board’s attention is directed to Tumblin column 3 lines 41-45 where it is stated that the non-extensible client may have built in security features. Applicant respectfully submits that this is sufficient evidence that at least the non-extensible client is security aware contrary to the Examiner’s interpretation of this reference.

Additionally, the claims recite in one form or another the following limitations: that the application is “not associated with security;” “passes . . . data from the upper connection layer to a security layer from within the transport protocol stack and unbeknownst to the application;” “the application is not required to perform security handshakes in order to send encrypted data over the network;” “a security layer . . . unbeknownst to the application;” “the application initially sends application data to the protocol stack of the upper connection layer directly using a desired . . . API . . . associated with a connection mechanism that is not associated with security;” the “application that utilizes the security layer is unaware of the security layer and its operations;” and “the application directly receives the decrypted application data without . . . being aware of security communications that occur via the security layer . . . and wherein the application receives the decrypted application data in a desired . . . API . . . associated with a connection that the application originally used and that is not associated with security.”

None of these limitations are taught or suggested in the Tumblin reference. Firstly, Applicant has clearly recited limitations that manipulate and intercept communications occurring at the protocol stack level of communication, so as to permit security to be enforced entirely unbeknownst to an application and without any modifications to that application. This is achieved via the positively recited limitations that manipulate, intercept, and modify the protocol stack of communication.

These limitations cannot be achieved via Tumblin in any manner because as the Examiner stated, Tumblin replaces normal network communication of an application by linking in a

replacement module, namely the NSIM. The normal protocol stack communication is entirely replaced via the NSIM. The non-extensible client directly receives communications from the NSIM and this is in contradiction to the recited claim limitations of the Applicant. See Tumblin column 5 lines 18-25; 29-34; and 43-51. Tumblin replaces a network communication module of a non-extensible client, specifically WINSOCK (which by the way is security aware and enabled) with its NSIM. Communication then is directly done between the security non-extensible client and the NSIM. The client is specifically linked to the NSIM and its access module that replaces the normal network access module of the client. The client's communication is received directly from the NSIM and its access module and the client is specifically linked to call it in place of the client's normal access module.

In this arrangement, the client may not have to be changed to support a security enhancement but that client: is still security aware; directly communicates with the NSIM and its access module; is specifically configured via a link to use the NSIM; uses the NSIM as a replacement for its normal network access; and does not alter protocol stack processing in any manner. Consequently, Applicant continues to believe that the processing in Tumblin is significant different and not as flexible, since Tumblin operates above the network stack level of processing and requires direct modification to the applications via the link and via the NSIM. Applicant can and has achieved security by not altering or modifying the application in any manner and the application is entirely security unaware.

Therefore, Applicant respectfully requests that the Board reverse the Examiner on these points and permit the claims to be allowed.

CONCLUSION

Appellants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Appellants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

BABER AMIN ET AL.

By their Representatives,

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Date 09/26/07

By Joseph P. Mehrle

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Reg. No. 45,535

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Name

Peter Zubuffoni

Signature

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